



THE ATTORNEY GENERAL
OF TEXAS

GERALD C. MANN
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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. 0-2504

Re: Whether a county must make order accepting benefits of discount statute annually in order to keep acceptance effective.

In your letter of June 28, 1940, you request our opinion as to whether a county is required to pass an order annually allowing the discount provided for in Article 7057d, Vernon's Civil Statutes, in order to keep such allowance of discounts effective, or whether an order adopting the provisions of the statute will remain in force and effect until cancelled or set aside.

In the statute it is provided that the discount provisions of the statute "shall not apply ***** until the governing body ***** by ordinance, resolution or order, shall adopt the provisions hereof."

There is nothing in the statute which indicates an intention to require a Commissioners' Court to make an acceptance of the provisions of the statute annually. Rather we think it fairly clear from the language of the statute that such was not intended.

It has been held in several cases that an order fixing a county treasurer's commissions under Article 3941, Civil Statutes, remains in force and effect until set aside or superseded by another order. *Stephens vs. Mills Co.*, 113 S.W. (2d) 944; *Throckmorton Co. vs. Thompson*, 115 S.W. (2d) 1102, Sup. Ct.; *Baxter vs. Rusk Co.*, 11 S.W. (2d) 648.

It may be that an order could be drawn, which would be effective for only a year by its own express terms but we assume you do not have in mind such an order. If the order contains nothing indicating an intention to the contrary, we are of the opinion that it will remain in force and effect from year to year unless vacated.

Yours ver. truly,

ATTORNEY GENERAL OF TEXAS

s/ Glenn R. Lewis
Glenn R. Lewis
Assistant

GRL:RS:wc

APPROVED JUL 11, 1940
s/ GROVER SELLERS
First Assistant
ATTORNEY GENERAL